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| 09/777,492 | 02/05/2001 | Stephen B. Bove | 257/103 | 8359 |

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| EXAMINER |
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CHENCINSKI, SIEGFRIED E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| | 3628 |

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/777,492 | BOVE ET AL. |
| | Examiner Siegfried E. Chencinski | Art Unit 3628 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 February 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>May 3, 2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 1 – 7 are rejected because the claimed invention is directed to non-statutory subject matter. The invention in the body of the claims is not tied to any technological art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 5, 9, 10 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Dahood et al. (US patent 6,574,608 B1, hereafter Dahood).

Re. Claims 1, 9 & 16, Dahood anticipates a computer-implemented method, system and a computer readable medium for generating anonymous leads from anonymously submitted database search criteria (BUYER ANONYMITY: Buyers are able to control whether and how personal information on the buyer is revealed to a given seller - Col. 2, II. 27-29, 50-52, 55-56; Claims 34 & 63 – Col. 9, I. 18; Col. 11, I. 4), comprising:

- a database for storing prospects having search information corresponding to anonymously submitted search criteria (col. 4, II. 24-28); and

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- a server engine coupled with a network and the database (Fig. 1; Col. 4, ll. 6-24),
the server engine

being configured to:

- generating a prospect having (Col. 1, l. 65):
 - (i) device-identifying information,
 - (ii) prospect-identifying information, and
 - (iii) search information corresponding to anonymously submitted

search criteria

(limitations I, ii & iii are all inherently residing in the middle man facilitator's server data base);

- providing prospect information to a business expert in a prospect presentation, wherein the prospect presentation is designed to enable generation of a proposal, and wherein the prospect information does not include the device-identifying information from the prospect (Col. 2, ll. 22-40); and
- providing proposals to devices associated with prospects for which the proposals are generated (Col. 2, ll. 38-42).

Re. Claim 3, Dahod anticipates a method wherein the prospect information relates to a plurality of prospects, all of which are active (Dahod discloses making a plurality of qualified buyer prospects available to sellers because a qualified buyer is a prospect in the world of selling since qualifying is a critical step in the selling process. One parameter of qualifying a sales prospect is that the prospect demonstrates an active desire to buy, which is not required to be a guarantee to ultimately buy. Col. 2, ll. 49-51).

Re. Claim 5, Dahod anticipates a computer-implemented method wherein the prospect has no explicit gateway available (The non-gateway option is assumable through the "if" option; Col's 1-12).

Re. Claim 10, Dahod anticipates a computer system comprising a business database (Fig. 7).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-8, 12-15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod.

Re. Claims 6 & 19, Dahod does not explicitly disclose a computer-implemented method and computer readable medium wherein the providing proposals step comprises:

- (a) receiving a request for a formatted set of data, wherein the request includes a device identifier;
- (b) checking a status indicator to determine whether a proposal should be provided;
- (c) adding a proposal notification to the requested formatted set of data, if the checking step results in a determination that a proposal should be provided; and
- (d) sending the formatted set of data.

However, these steps are well known in the art of programming computers to achieve communications compatibility between parties so that the receiving party is able to parse a communication from another party. The proposal notification is optional, therefore is not required. Therefore, an ordinary practitioner of the art at the time of Applicant's invention would have been able well known programming techniques to the art of Dahod for the purpose of easily, efficiently and inexpensively connecting prospective buyers of goods and services with qualified sellers (Dahod, Col. 1, ll. 60-63).

Re. Claim 7, Dahod anticipates a method wherein the proposal notification provides a link to a proposal-viewer, which enables anonymous communication between the device user and the business expert (Fig. 11; Col. 3, ll. 54-55).

Re. Claims 8 & 20, Dahod discloses a method and computer readable medium wherein the status indicator is included in the request, and wherein the formatted set of data comprises a web page (Col. 4, ll. 40-46), the prospect presentation comprises one or more web pages (Fig. 11), the proposal-viewer comprises one or more web pages (Fig's 11&12),

Dahod does not explicitly disclose that the device identifier comprises a cookie, the status indicator comprises a cookie and the prospect comprises an XML data. However, a cookie used as a device identifier and as a status indicator, and XML data sets were well known in the art at the time of Applicant's invention. Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have added the well known devices of cookies and XML data sets to the art of Dahod for the purpose of easily, efficiently and inexpensively connecting prospective buyers of goods and services with qualified sellers (Dahod, Col. 1, ll. 60-63).

Re. Claims 12 & 18, Dahod does not explicitly disclose a computer system and computer readable medium wherein the server engine is configured to not provide anonymous leads derived from particular prospects to particular business experts based upon gateway information for the particular prospects and gateway affiliation information for the particular business experts. However, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have not provided such information to a seller in a system which maintains the anonymity of the user-prospect until the user authorizes the release of various aspects of his information as part of an anonymous system for easily, efficiently and inexpensively connecting prospective buyers of goods and services with qualified sellers.

Re. Claim 13, Dahod does not explicitly disclose a computer system wherein the server engine is configured to furnish the proposals by selective use of session identifiers and device identifiers. However, the use of session and device identifiers was well known in the art at the time of Applicant's invention. Consequently, it would have been obvious for an ordinary practitioner of the art at the time of Applicant's invention to have made selective use of session and device identifiers in furnishing proposals to user prospects

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as part of an anonymous system for easily, efficiently and inexpensively connecting prospective buyers of goods and services with qualified sellers.

Re. Claim 14, Dahod discloses a computer system wherein the server engine is further configured to enable anonymous communication between proposal generators and proposal receivers (Col. 2, ll. 27-29, 50-52, 55-56; Claims 34 & 63 – Col. 9, l. 18; Col. 11, l. 4).

Re. Claim 15, Dahod discloses a computer system wherein the business database contains data regarding real estate (Fig. 7), and a server engine which comprises a web server (Col. 4, ll. 6-46). Dahod does not explicitly disclose the session identifiers are session cookies, and the device identifiers are permanent cookies. However, the use of cookies as session identifiers and session cookies, and permanent cookies as device identifiers were well known in the art at the time of Applicant's invention. Accordingly it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have added these uses of cookies to the art of Dahod for the purpose of easily, efficiently and inexpensively connecting prospective buyers of goods and services with qualified sellers (Dahod, Col. 1, ll. 60-63).

4. **Claims 2, 11 and 17 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Dahod as applied to claims 1, 9 and 16 above, and further in view of Liu et al. (US Patent 6,574,608, hereafter Liu).

Re. Claims 2, 11 & 17, Dahod discloses a method, system and computer readable medium of search information which is disclosed to the seller on a schedule chosen by the buyer (Col. 2, ll. 53-59). Dahod does not explicitly disclose the disclosing to a seller information which also corresponds to post-search browsing activity data. However, Liu discloses the gathering a series of online browsing data from a user over time to identify the on-going interests and potential changes and expansion in interests as demonstrated by browsing activity (Col. 1, l. 58 – Col. 2, l. 4; Col. 2, ll. 14-33; col. 8, l. 56 - Col. 9, l. 20). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Dahod with that of Liu to enable an anonymous online user prospect to authorize the release of post-search

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browsing activity by the middle man entity to the seller business expert in order to capture valuable information regarding the changes in a user's interests over time (Liu, Col. 2, ll. 8-10).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod as applied to claim 1 above, and further in view of Walker et al. (US Patent 5,794,207, hereafter Walker207).

Re. Claim 4, Dahod discloses a method comprising notifying a business expert of a new prospect (Col. 2, ll. 22-25, 37-41).

Dahod does not explicitly disclose tracking a status of a proposal.

However, Walker discloses a method of tracking the status of buyer proposals in an anonymous system. It would have been obvious for an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Davod with that of Walker207 for the purpose of tracking the status of a proposal between a seller expert and an anonymous prospect in order to utilize the services the services of a trusted third party (Walker207, Col. 7, ll. 13-15).

6. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod in view of Walker (US Patent 2002/0169626 A1, hereafter Walker626).

Re. Claim 21, Dahod discloses a computer-implemented method for anonymously connecting sales agents with consumers of housing, comprising:

(a) providing a software application designed to communicate with a database containing information regarding housing, wherein the software application is accessible via a computer network and enables searching of the database, whereby search criteria is stored in association with search-requestor information (Fig. 7); and

(b) wherein the software application generates prospects from the search criteria for viewing, and the software application enables generation of search-requestor-directed proposals based upon the prospects without revealing contact information for the search-requestor (Col. 2, ll. 27-29, 50-52, 55-56; Claims 34 & 63 – Col. 9, l. 18; Col. 11, l. 4).

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Dahod does not explicitly disclose not requiring user registration but does disclose embodiments which do require registration. However, Walker626 discloses the connecting of consumers with merchants and sales agents of various kinds without requiring the consumer to register (Fig. 1-15; Page 1-15. Registration of consumers is absent in Walker. Walker only requires sellers, agents and reference providers to register.).

Accordingly, it would have been obvious for an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Davod with that of Walker626 for the purpose of anonymously connecting sales agents with consumers of housing in order to provide a prospective customer with a good sales agent (Walker626, Page 1, [0003], II. 1-2).

Re. Claim 22, Dahod discloses a computer-implemented method wherein the software application further enables anonymous communication between a proposal-creator and a proposal-receiver (Col. 2, II. 49-51).

Re. Claim 23, Dahod discloses a computer-implemented method wherein the information regarding housing includes information regarding real estate for sale, information regarding common interest developments such as condominiums and coops, information regarding apartments for rent and a category for miscellaneous real estate available. Dahod does not explicitly disclose the provision of information regarding factory built homes. However, the marketing of factory built homes is well known. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have to include factory built homes under the miscellaneous category of real estate housing listings since factory built homes comprise a much smaller volume segment of homes for sale as part of an anonymous system for easily, efficiently and inexpensively connecting prospective buyers of goods and services with qualified sellers (Dahod, Col. 1, II. 60-63).

7. **Claims 24 and 25 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Dahod in view of Walker626 as applied to claim 21, and further in view of Flight et al. (US Patent 6,662,199 B1, hereafter Flight).

Re. Claims 24 & 25, neither Dahod nor Walker626 explicitly disclose

- **Re. Claim 24,** a computer-implemented method wherein the software application comprises:
 - (a) a presentation layer;
 - (b) a middle layer, having business rule implementation objects, communications objects and database messaging objects; and
 - (c) a database.
- **Re. Claim 25,** Dahod discloses computer-implemented method wherein the database messaging objects include objects for translating XML data into a database-specific format.

However Flight discloses

- **Re. Claim 24,** a computer-implemented method wherein the software application comprises:
 - (a) a presentation layer;
 - (b) a middle layer, having business rule implementation objects, communications objects and database messaging objects; and
 - (c) a database.

(Abstract, Fig. 5, Col. 3, l. 51 – Col. 4, l. 63)

- **Re. Claim 25,** a computer-implemented method wherein the database messaging objects include objects for translating XML data into a database-specific format (Col. 10, l. 52; Col. 15, l. 15; Col. 18, claim 24).

It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Dahod and Walker 626 with the art of Flight to provide software which uses a simplified technique to more easily, efficiently and inexpensively connect qualified housing sales agents with customers (Flight, Col. 3, ll. 11-48).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on 703- 308-0505.wa
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington D.C. 20231

or faxed to:

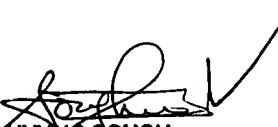
(703)872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-9601 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2411 Crystal Drive, Arlington, VA, 7th floor receptionist.

SEC

March 21, 2005



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